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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,322	07/14/2000	KATSUHIKO HIRAMATSU	JEL31215	1555

7590 07/30/2003

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1615 L STREET NW SUITE 850  
WASHINGTON, DC 20036

EXAMINER
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LEI, TSULEUN R

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/30/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/600,322

Applicant(s)

HIRAMATSU ET AL.

Examiner

TSULEUN R. LEI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilhousen (U.S. Patent 6,034,635).

Regarding Claim 8, Gilhousen teaches a base station apparatus comprising: a first notifier that notifies a control station apparatus of first information to the effect that a communication terminal apparatus is performing a diversity handover (Fig.13; Col.19, Lines 30-33; Col.21, Lines 34-37; Col.26, Line 18; Gilhousen teaches that system controller and switch 10 includes interface and processing circuitry for providing system control to the cell-sites. It is inherent that the base station 12 must communicate with the control station 10, and inform the control station that it is performing a diversity handover, since more than one base station is needed to perform the operation of diversity handover.); a second notifier that notifies the control station apparatus

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of second information to the effect that a position detection is in progress (Fig. 13; Col. 19, Lines 30-33; Col. 21, Lines 34-37; Col. 10, Lines 51-54; Gilhousen teaches that system controller and switch 10 includes interface and processing circuitry for providing system control to the cell-sites. It is inherent that the base station 12 must communicate with the control station 10, and inform the control station that a position detection is in progress, since more than one base station is needed to perform the operation of position detection.); a receiver that receives third information provided from the control station apparatus to the effect that, when said position detection is performed during said diversity handover, a target quality is to be changed to a level provided from the control station apparatus to enable satisfactory performance of said position detection (Fig. 13; Col. 19, Lines 30-33; Col. 21, Lines 34-37; Col. 8, Lines 7-12; Fig. 1 & Fig. 1A; Gilhousen teaches that the power level of the mobile station may be gradually ramped up until such time as the second base station can successfully perform the timing measurement required by step 160. Since the base station is under the control of the control station, it is inherent that the power level required by step 160 for a successful timing measurement is derived from a quality level set and provided by the control station.); and a transmit power controller that changes the target quality according to the third information and performs transmit power control of the communication terminal apparatus at the changed target quality (Col. 8, Lines 7-12; Fig. 1 & Fig. 1A).

Regarding Claim 9, Gilhousen teaches a base station apparatus that determines a position of a communication terminal apparatus by determining a direction of said communication terminal apparatus (Col. 14, Lines 40-42, angular displacement) utilizing an array antenna

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characteristic (Col.14, Lines 9-12, rotation transmitting beam antenna) and by determining a distance to said communication terminal apparatus from a propagation delay (Col.14, Lines 40-42), said base station apparatus comprising: a target quality changer that raises a target quality when a position detection is performed during a handover (Col.8, Lines 7-12; Fig 1 & Fig.1A; Gilhousen teaches that the power level of the mobile station may be gradually ramped up until such time as the second base station can successfully perform the timing measurement required by step 160. It is inherent that successful timing measurement requires high signal quality, and high signal quality can be achieved by increasing the mobile transmit power level. Thus, a target quality changer must exist to raise a target quality.); and a transmit power controller that performs transmit power control of the communication terminal apparatus at the changed target quality (Col.8, Lines 7-12; Fig 1 & Fig.1A).

Regarding Claim 10, Gilhousen teaches a control apparatus that notifies the base station apparatus of claim 8 of said third information to the effect that, when the position detection is performed during said diversity handover, a target quality is to be changed to a level to enable satisfactory performance of said position detection (Col.8, Lines 7-12; Fig 1 & Fig.1A; Gilhousen teaches that the power level of the mobile station may be gradually ramped up until such time as the second base station can successfully perform the timing measurement required by step 160. It is inherent that successful timing measurement requires high signal quality, and high signal quality can be achieved by increasing the mobile transmit power level).

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Regarding Claim 11, Gilhousen teaches the control apparatus according to claim 10, wherein said target quality corresponds to an accuracy required for a service (Col.7, Lines 18-34 & Col.8, Lines 51-61, wherein successful timing measurement is an accurate timing measurement.).

Regarding Claim 12, see Claim 8 for Gilhousen's teaching.

***Response to Amendment***

3. The amendment filed on 4/18/03 under 37 CFR 1.131 has been considered but is ineffective to overcome the Gilhousen reference.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSULEUN R. LEI whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D Banks-Harold can be reached on 703-305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*TRL*

TRL  
July 16, 2003

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600